

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/ME/300734WO	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000240	International Filing Date (day/month/year) 27 February 2003	Priority Date (day/month/year) 31 July 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A61F 13/15		
Applicant THE AUSTRALIAN INVENTION COMPANY et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 February 2004	Date of completion of the report 23 November 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer MATTHEW FORWARD Telephone No. (02) 6283 2606

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description, pages 2-14, as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☒ the claims, pages 15, 17, 18, as originally filed,
pages 20, 21, as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 16, 19, received on 30 August 2004 with the letter of 30 August 2004
- ☒ the drawings, pages 1/28-28/28, as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of V

D3 provides a containment pouch (30) concertina folded (see figure 5) within a pocket in the waist region of a disposable nappy. A frangible panel (32) holds the pouch within the pocket until it is needed. The frangible panel is considered to be equivalent to the backing strip of the present claims. Documents D4 and D5 provide similar disclosures to D3. Claims 1 to 3, 18 and 21 lack novelty and also an inventive step in view of any one of these documents.

Documents D6, D7 and D9 disclose a bag held within a pocket by a removable strip. Claims 1 to 3 and 21 lack novelty and also an inventive step in view of any one of these documents.

In D8 an integral bag (20) is provided between the absorbent pad and outer layer. Once the nappy has been used, a hand may be inserted into the bag and the nappy pulled into the bag as the bag is effectively inverted. In this case the backing strip is considered to be the outer layer (7). Claims 1 to 4 and 21 lack novelty and also an inventive step in view of this document.

Document D10 discloses a storage container on the back of the nappy. The container is opened to a first extent to release a moist wipe and expands to second extent such that it forms a container for a nappy. This document discloses the features of claims of claims 8 and 17. D3 or D9 disclose a disposal bag held within a pocket on the nappy frangible membrane. The skilled person would combine the disclosure of either of these documents with D10 and arrive at a disposable pad as defined in claims 8 and 17. Claims 1 to 3, 8, 17 and 21 lack an inventive step in view of this obvious combination of documents.

Document D11 illustrates a disposable nappy with a sealed pocket on the external surface. None of features defined in claims 1 to 28 are clearly evident in this document.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 5-19, 20, 22-28	YES
	Claims 1-4, 18, 21	NO
Inventive step (IS)	Claims 9-16, 19-20, 22-28	YES
	Claims 1-8, 17, 18, 21	NO
Industrial applicability (IA)	Claims 1-28	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

- D1 US 4808175 (HANSEN)
- D2 GB 2271720 (PREISS)
- D3 US 5037414 (BOOTH)
- D4 GB 2302026 (TURNER)
- D5 JP 10-075979 (MATSUURA)
- D6 JP 11-056903 (YOSHIKAWA)
- D7 GB 2354172 (BARR)
- D8 US 4743240 (POWELL)
- D9 US 2002/0004656 (KHAN et al)
- D10 US 4931052 (FELDMAN)
- D11 US DES 380829 (BREAULT)

The present application defines a disposable pad with a disposable bag between the backing strip and absorbent portion of the pad (claim 1). This concept is expanded in claims 14 to include a storage pouch for the bag and the manner the bag is folded. Claim 17 defines the storage pouch features on a pad and a double action backing strip; claim 18 defines the folding arrangement of the disposal bag. Claim 19 is characterised by the backing strip having an unattached portion forming a tag; claim 21 is similar to claim 1 but defines backing strip as "at least partially detachably attached" and claim 25 is characterised by a double action backing strip and longitudinal folds in the bag. In claims 17 and 25 the double action strip has a second action to open the bag storage pouch and a first action to release hygienic products.

Document D1 discloses a disposable nappy with a bag (14) mounted on the backing panel (11). Wipes for cleaning the infant after use of the nappy are provided in the bag. The bag is unsealed and turned inside out to enclose the used nappy. In D1, the backing strip and part of the bag are performing a double function. The defined arrangement of bag mounted between a backing strip and the absorbent is considered to an obvious variation in view of the disclosure of D1. Claims 1 to 7 and 21 lack an inventive step in view of this document.

In D2 a bag (21) is attached in a compacted state to the back sheet of a disposable nappy. The bag may be removed or unfolded whilst attached and used to enclose the soiled nappy for disposal. Placing a backing strip over the bag, to ensure that it remains tightly folded is considered to be within the ability of the person skilled in the art. Claims 1 to 3 lack an inventive step in view of this document.

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The amended pages dated 30 August 2004 include a complete claim 19. Originally filed page 18 includes a partial claim 19. It is considered that the full text and scope of claim 19 is unclear as a result. Claim 19 of 30 August 2004 has been used to form an opinion for the purposes of novelty and inventive step.

17:00 PIPERS MELBOURNE 11/08/2003 11:08

805/1103/00260
24 AUGUST 2003

21. A disposable pad having:
an elongated absorbent pad element having a front side for contact with a body
for receiving human excrements and an opposing rear side forming a pad backing;

5 a backing strip extending over at least part of the pad backing and at least
partially detachably attached to the disposable pad;

a disposal bag mounted on the pad backing and released by the backing strip
being at least partially detached the disposal bag having an enlargening opening when
released wherein the disposal bag is unobtrusively in place when the disposable pad is
10 in use and readily accessible and the opening enlarged for enveloping the disposable
nappy after use for hygienic disposal.

22. A disposable pad according to claim 21 and having a double action backing
strip formed by a first part of the backing strip attached to the disposable pad forming
15 a sealed storage pouch to hold hygienic products hermetically and a second part of the
same backing strip separately attached to the disposable pad and holding a disposal
bag, wherein the storage pouch is opened by pulling on the backing strip to open the
first part and release the hygienic products and by further pulling the backing strip
open the second part releases the disposal bag for enclosing the used disposable pad
20 for hygienic disposal.

23. A disposable pad according to claim 22 wherein the attachment of the first part
is more frangible than the attachment of the second part to prevent accidental opening
of the second part.

25

24. A disposable pad according to claim 21, 22 or 23 wherein the backing strip
extends along the length of the nappy and forms an elongated side part of the disposal
bag.

30 25. A disposable pad having:

an elongated absorbent pad element having a front side for contact with a body
for receiving human excrements and an opposing rear side forming a pad backing;

a double action backing strip formed by a first part attached to the disposable
pad forming a storage pouch to hold hygienic products and a second part attached to

20

BEST AVAILABLE COPY

AMENDED SHEET (ARTICLE 19)

17:00 PATENT FILING
PCP/AU03/00260
44 AUGUST 2003

the disposable pad to hold a disposal bag and wherein the storage pouch is opened by pulling on the backing strip to open the first part and release the hygienic products and by further pulling on the backing strip open the second part releasing the disposal bag for enclosing the used disposable pad for hygienic disposal;

5. the disposal bag mounted on the pad backing and having longitudinally concertina folds wherein the disposal bag is unobtrusively in place when the disposable pad is in use and releasable by the backing strip being at least partially detached, the disposal bag having an enlargening opening when released for enclosing the disposable pad after use for hygienic disposal.

10

26. A disposable pad according to claim 25 wherein the attachment of the first part is more frangible than the attachment of the second part to prevent accidental opening of the second part.

- 15 27. A disposable pad according to claim 25 or 26 wherein the backing strip extends along the length of the disposable pad and forms an elongated side part of the disposal bag.

20 28. A disposable pad according to any one of claims 25 to 27 wherein the concertina folded disposal bag has an inwardly folded top of the bag which in use can then be further pulled out to provide a larger volume bag for enveloping the disposable pad.

25

30

35

DT05 Rec- PCT/PTO 31 JAN 2005



separate handling.

8. A disposable pad according to any one of the preceding claims and having a double action backing strip formed by a first part attached to the disposable pad forming a storage pouch to hold hygienic products and a second part separately attached to the disposable pad holding a disposal bag and wherein the storage pouch is opened by pulling on the backing strip to open the first part and release the hygienic products and by further pulling open the second part releasing the disposal bag for enclosing the used disposable pad for hygienic disposal.

9. A disposable pad according to claim 8 wherein the attachment of the first part is more frangible than the attachment of the second part to prevent accidental opening of the second part.

10. A disposable pad according to claim 9 wherein the first part includes a substantially non porous sealing panel having a frangible line covered by a sealing means to form a sealed pouch able to hold hygienic products in a substantially sealed form, wherein the sealing means can be removed to break the frangible line to open the sealed pouch for access to the hygienic products.

11. A disposable pad according to any one of claims 5 to 10 and having a concertina folded disposal bag stored between the backing strip and the backing of the elongated pad with the concertina folded disposal bag having a height greater than its width in concertina folded mode and being positioned on the pad lengthways to allow maximising of bag volume.

12. A disposable pad according to claim 11 wherein at least a portion of the concertina folded disposal bag remains attached to the pad such that the disposal bag is inverted around the used disposable pad.

13. A disposable pad according to claim 11 or 12 wherein the concertina folded

19. A disposable pad having:

an elongated absorbent pad element having a front side for contact with a body and an opposing rear side forming a pad backing;

a backing strip extending over at least part of the pad backing and detachably attached thereto, the backing strip forming at least part of an outer surface of the disposable pad and having an extended unattached portion forming a tag;

a disposal bag mounted in a folded form between the backing strip and the pad backing and having at least a portion attached to the pad backing and the disposal bag being inwardly folded within itself to provide a larger volume bag when unfolded;

wherein the disposal bag is unobtrusively in place allowing for normal use of the disposable pad and after use the disposal bag being readily accessible by pulling the tag to release the bag and by unfolding of the bag and inversion of the bag relative to the disposable pad enclose the disposable pad for hygienic disposal.

20. A disposable pad substantially as hereinbefore described with reference to the drawings